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Before the
Federal Communications Commission
Washington, D.C. 20554

DUE

In the Matter of)	EB Docket No. 03-152
)	
WILLIAM L. ZAWILA)	Facility ID No. 72672
)	
Permittee of FM Station KNGS, Coalinga, California)	
)	
AVENAL EDUCATIONAL SERVICES, INC)	Facility ID No. 3365
)	
Permittee of FM Station KAAX, Avenal, California)	
)	
CENTRAL VALLEY EDUCATIONAL SERVICES, INC.)	Facility ID No. 9993
)	
Permittee of FM Station KAIP, Firebaugh, California)	
)	
H.L. CHARLES D/B/A FORD CITY BROADCASTING)	Facility ID No. 22030
)	
Permittee of FM Station KZPE, Ford City, California)	

ORDER

Issued: March 24, 2004

Released: March 25, 2004

By the Associate General Counsel, Administrative Law Division

1. By Memorandum Opinion and Order, FCC 03M-52 (released December 8, 2003), the Administrative Law Judge denied a petition for leave to intervene in the above-captioned proceeding filed by Richard B. Smith. Pursuant to Section 1.301(a) of the Commission's Rules, Smith filed an Appeal on December 15, 2003. In a pleading filed on February 12, 2004, Smith now withdraws the pending appeal.

2. Smith is the licensee of Station KMAK(FM) in Orange Cove, California. He filed an Informal Objection against the license application of William L. Zawila for Station KNGS(FM) in Coalinga, California on November 17, 1999. Information presented by Smith and developed during the staff's subsequent investigation of KNGS(FM) and of five associated stations ultimately resulted in the issuance of an order to show cause why the permit or license of each of these stations should not be revoked.¹ Smith sought to intervene, pursuant to Section 1.223 of the Commission's Rules, 47 C.F.R § 1.223, on the ground that revocation of the KNGS(FM) permit would remove an impediment to Smith's upgrading Station KMAK(FM). The ALJ denied intervention concluding that Smith failed to demonstrate, first, that he would be aggrieved by the outcome of the proceeding and second, that his participation as a party to this proceeding would materially assist the Commission. Smith now understands that Zawila has entered into an agreement to assign his authorizations, including the KNGS(FM) permit to Lazer Broadcasting Corporation, and Smith withdraws the appeal of the ALJ's order.²

3. ACCORDINGLY, IT IS ORDERED That pursuant to the authority delegated under 47 C.F.R. § 0.251(c), the Withdrawal of "Appeal of Richard B. Smith," filed February 12, 2004, by Richard B. Smith IS ACCEPTED; and the Appeal of Richard B Smith, filed December 15, 2003, by Richard B. Smith IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Susan H. Steiman
Associate General Counsel
Office of General Counsel

¹ *Order to Show Cause, Notice of Opportunity for Hearing, And Hearing Designation Order*, 18 FCC Rcd 14938 (2003)

² *See also William L. Zawila*, FCC 04M-09 (rel. Mar. 5, 2004) (granting a Joint Petition for Extraordinary Relief and staying the hearing proceeding in EB Docket No. 03-152 pending action by the Mass Media Bureau on applications for consent to assign the above-captioned facilities pursuant to the Commission's minority distress sale policy).